

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,
Plaintiff,
v.
VAN NESS,
Defendant.

Case No. 1:20-cv-00625-NONE-EPG (PC)
FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION FOR INJUNCTIVE RELIEF BE
DENIED
(ECF No. 49)
OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Antoine Barnes ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 25, 2021, the assigned district judge issued an order denying Plaintiff's requests for injunctive relief and ordering that "[a]ll future requests for injunctive relief that plaintiff files will be summarily denied if they are clearly unrelated to this case." (ECF No. 34, p. 2).

On November 3, 2021, Plaintiff filed what the Court construes as a request for injunctive relief. (ECF No. 49). In the request, Plaintiff complained that non-defendants assaulted him. Plaintiff asked the Court to contact the FBI and the Department of Justice, among others, to have these non-defendants arrested and fired.

1 This request is clearly unrelated to this case and the Court will recommend that it be
2 summarily denied. The Court also warns Plaintiff, again, that meritless motions may result in
3 sanctions or an award of costs under the Federal Rules of Civil Procedure. See, e.g., Fed. R. Civ.
4 P. 11(c), 16(f), 26(g), & 37.

5 Plaintiff also alleged that his legal property was taken from him, and he asked the Court to
6 direct the Warden to locate his legal property. However, Plaintiff did not submit any evidence to
7 support his allegations. Moreover, Plaintiff did not provide any evidence that he attempted to
8 retrieve his legal property using prison procedures or identify any legal property related to this
9 case that he needs returned in order to prosecute this case.

10 Accordingly, based on the foregoing, **IT IS HEREBY RECOMMENDED** that
11 Plaintiff's filing (ECF No. 49), which the Court construes as a motion for injunctive relief, be
12 DENIED.

13 These findings and recommendations are submitted to the United States district judge
14 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
15 (14) days after being served with these findings and recommendations, any party may file written
16 objections with the Court. Such a document should be captioned "Objections to Magistrate
17 Judge's Findings and Recommendations." Any response to the objections shall be served and
18 filed within fourteen (14) days after service of the objections. The parties are advised that failure
19 to file objections within the specified time may result in the waiver of rights on appeal.

20 Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d
21 1391, 1394 (9th Cir. 1991)).
22 IT IS SO ORDERED.

23 Dated: November 9, 2021

24 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE